

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Lauren Goldapper	Team: Team # 6	CCRB Case #: 201206612	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 05/17/2012 5:48 PM	Location of Incident: 312 Bleecker Street	Precinct: 06	18 Mo. SOL 11/17/2013	EO SOL 11/17/2013	
Date/Time CV Reported Thu, 05/17/2012 12:00 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 05/23/2012 11:36 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Christia Rich	10156	949542	006 PCT
2. POM Juan Perez	11514	942340	006 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Juan Perez	Force: PO Juan Perez used physical force against § 87(2)(b) [REDACTED]	
B.POM Juan Perez	Force: PO Juan Perez used physical force against § 87(2)(b) [REDACTED]	
C.POM Christia Rich	Force: PO Christian Rich used physical force against § 87(2)(b) [REDACTED]	

Case Summary

On May 17, 2012, § 87(2)(b) filed her complaint on behalf of § 87(2)(b) with 911, and the complaint was referred to the IAB Command Center (IAB Log #12-27196), which was received by the CCRB on May 23, 2012 (encl. 6) (encl. 7). On May 17, 2012, at approximately 5:48 p.m., § 87(2)(b) was riding his bicycle in the vicinity of 312 Bleeker Street, in Manhattan, when he came to interact with two officers, PO Christian Rich and PO Juan Perez from the 6th Precinct, and was arrested. The following allegations resulted.

- **Allegation A – Force: PO Juan Perez used physical force against § 87(2)(b)**
- **Allegation B – Force: PO Juan Perez used physical force against § 87(2)(b)**
- **Allegation C – Force: PO Christian Rich used physical force against § 87(2)(b)**

§ 87(2)(g)

This case was originally assigned to Inv. Peter Hoy and reassigned to Inv. Lauren Goldapper on October 11, 2012.

This case was put on the sensitive case list after several news articles were published in regards to this incident.

Results of Investigation

Civilian Statements

Victim: § 87(2)(b)

- § 87(2)(b)

Statements to Medical Personnel

The Ambulance Call Report (encl. 21) reflects that on May 17, 2012, § 87(2)(b) complained that an officer assaulted him after he hit an officer.

§ 87(2)(b) medical records from § 87(2)(b) (encl. 21) reflect that on May 17, 2012, § 87(2)(b) stated that an officer hit him in the face and complained of pain to his right elbow. The records also reflect that § 87(2)(b) told medical personnel that he was yelling at officers when an officer pinned him against a car. He was angry and slapped an officer and an officer punched him in his left eye. § 87(2)(b) also told medical personnel that after he was struck in the face he fell to the ground.

Statements

On May 18, 2012, § 87(2)(b) made statements to IAB investigating officers during a call-out (encl. 34K). § 87(2)(b) made a phone statement on June 1, 2012 (encl. 8), and was interviewed at the CCRB on June 6, 2012 (encl. 9). § 87(2)(g)

On May 17, 2012, at approximately 5:48 p.m., § 87(2)(b) was riding his bicycle in the vicinity of 312 Bleeker Street, in Manhattan, when an unmarked van containing two officers, identified through the investigation as PO Christian Rich and PO Juan Perez from the 6th Precinct, pulled into the bike lane in front of him. § 87(2)(b) described PO Rich as a 23-year-old white male, who was 5'8" tall, weighed 160 pounds. § 87(2)(b) identified PO Perez by name and described him as a Hispanic male, who was 5'10 tall, and weighed 220 pounds.

§ 87(2)(b) had to ride his bike into traffic to avoid colliding with the van. The officers subsequently exited the vehicle and § 87(2)(b) told them that the police should not break the

law. § 87(2)(b) was straddling his bike and PO Perez ordered § 87(2)(b) to step away from the bike multiple times. However, § 87(2)(b) could not do so because he has arthritis. After PO Perez yelled at § 87(2)(b) to “step away from the bike” multiple times, § 87(2)(b) swung at PO Perez, slapping PO Perez with an open palm of his right hand. PO Perez responded by punching § 87(2)(b) with a closed fist in § 87(2)(b) left cheek. The punch also made contact with § 87(2)(b) glasses. After PO Perez punched § 87(2)(b) PO Perez ordered § 87(2)(b) to turn around and attempted to handcuff § 87(2)(b). However, § 87(2)(b) resisted arrest and refused to move his hands behind his back. PO Perez and PO Rich pushed § 87(2)(b) against a nearby glass door while they attempted to arrest him. § 87(2)(b) stated that as a result of this incident, § 87(2)(b) fractured his right elbow. During his interview, § 87(2)(b) said that he believed that the elbow fracture was a result of his elbow making contact with the storefront when the officers tried to arrest him. § 87(2)(b) made no mention of a fractured elbow during his phone statement with the CCRB. § 87(2)(b) continued to resist arrest and refused to be handcuffed. He told PO Perez that he was § 87(2)(b)-old and told a crowd of at least 30 people to call the police. As § 87(2)(b) continued to resist arrest for several more minutes, additional officers arrived on scene and the officers were eventually able to get § 87(2)(b) in handcuffs. PO Rich and PO Perez walked § 87(2)(b) to the 6th Precinct stationhouse which was a few blocks away. While at the stationhouse, § 87(2)(b) was transported by ambulance to § 87(2)(b) where medical personnel applied glue stitches to a laceration on his cheek and an x-ray to § 87(2)(b) right elbow revealed a fracture.

Additional Statements

§ 87(2)(b) published an article about this incident on § 87(2)(b) which has been included in the case file (encl. 10).

On August 8, 2012 (encl. 28), the City of New York received a personal injury claim form filed by § 87(2)(b). The narrative reflects that on the date and time of occurrence, § 87(2)(b) was pinned against the van with his legs straddling the bicycle and § 87(2)(b) pushed away from the officers. PO Perez hit § 87(2)(b) with a closed fist, breaking § 87(2)(b) glasses and cutting § 87(2)(b) cheek. PO Perez attempted to arrest § 87(2)(b) and a crowd gathered and § 87(2)(b) told the crowd to call the police. As a result of this incident, § 87(2)(b) complained of facial and eye injuries, a damaged bicycle and damaged glasses. There was no mention of any injury to § 87(2)(b) elbow.

Photographs

On May 18, 2012, IAB investigating officers photographed § 87(2)(b) during a call-out (encl. 34D). One photograph reflects that § 87(2)(b) is using a sling on his right arm. § 87(2)(b) has visible bruising under his left eye and a laceration on the left side of his nose.

Witness: § 87(2)(b)

§ 87(2)(b)

Statement

§ 87(2)(b) provided the CCRB with a statement on June 27, 2012 (encl. 11). He was interviewed at § 87(2)(b) in Manhattan.

On the date and time of incident, § 87(2)(b) observed a male, § 87(2)(b) on a bicycle with two officers, identified as PO Rich and PO Perez. § 87(2)(b) refused to get off his bicycle and one of the officers pulled § 87(2)(b) off his bike and brought him towards their van and then onto the sidewalk. The officers told § 87(2)(b) to put his hands behind his back but § 87(2)(b)

refused to do so. § 87(2)(b) did not see § 87(2)(b) take any other actions which prevented the officers from handcuffing him. § 87(2)(b) heard § 87(2)(b) cry out and saw that § 87(2)(b) was bleeding and had a mark on the left side of his face. § 87(2)(b) did not see the officers use any force against § 87(2)(b) then returned inside his store.

Witness: § 87(2)(b)

§ 87(2)(b) was identified from the SPRINT reports as a 911 caller.

Phone Statement

§ 87(2)(b) provided the CCRB with a phone statement on September 12, 2012 (encl. 12). On the date and time of incident, § 87(2)(b) observed a male, § 87(2)(b) on a bicycle that was leaning against a grey truck. People were yelling. Two officers, identified by the investigation as PO Rich and PO Perez, were surrounding § 87(2)(b) and telling him to turn around. The officers were attempting to handcuff § 87(2)(b) who refused to give the officers his hands. After § 87(2)(b) refused to be handcuffed, one of the officers punched § 87(2)(b) in the face, breaking § 87(2)(b) glasses and causing him to bleed. § 87(2)(b) said that § 87(2)(b) hands were down prior to the officer punching § 87(2)(b) and did not mention § 87(2)(b) slapping any officers. § 87(2)(b) said she provided video footage to IAB.

Victim: § 87(2)(b)

- § 87(2)(b) was identified as a 911 caller on the SPRINT reports related to this incident.

Statements

§ 87(2)(b) made a statement when she called 911 on May 17, 2012 (encl. 22). On September 13, 2012, § 87(2)(b) provided a phone statement to the CCRB (encl. 13). § 87(2)(b) stated that an officer punched the male, identified as § 87(2)(b) and called § 87(2)(b) a “bitch.” § 87(2)(b) did not schedule an appointment and when asked about providing the investigation with a statement, § 87(2)(b) said she might call later that day and then disengaged. § 87(2)(b) did not contact the CCRB following her disengagement and did not respond to a voicemail message, left on September 17, 2012. As a result, § 87(2)(b) was not interviewed by the CCRB.

Complainant/Witness: § 87(2)(b)

On May 17, 2012, § 87(2)(b) reported with the IAB Command Center that on the date and time of incident, officers were beating up an § 87(2)(b) r-old male at the location. § 87(2)(b) Birsch did not provide additional details and disengaged (encl. 6).

Between May 24, 2012, and July 16, 2012, the CCRB sent two please call letters and placed five calls to § 87(2)(b) receiving a busy signal on each occasion. The please call letters were returned from the US Postal Service as “no such number.” A search using whitepages.com yielded negative results for contact information for § 87(2)(b) As such, the investigation was unable to obtain an official statement from § 87(2)(b)

Additional Witness Statements

On June 27, 2012, § 87(2)(b) owner of Enfluerage, said she witnessed the incident (encl. 14), during Inv. Hoy’s field work visit. She said that officers held § 87(2)(b) against a window as they attempted to arrest him. One of the officers said that he “can’t fucking stand these people,” referring to the crowd. § 87(2)(b) did not want to provide a sworn statement and did not respond to multiple phone calls in order to obtain a phone statement from her.

Attempts to Contact Civilians

On June 27, 2012, (encl. 14) Inv. Hoy conducted field work in the vicinity of the incident location. In addition to the statement obtained from § 87(2)(b) whose statement was summarized above, attempts to obtain official or recorded statements from various employees to obtain video footage were met with negative results. Attempts to obtain sworn statements and video footage were made at Yamak, Think Closet, Enfluerage, Alteraction Cleaner, Café Angelique and Andrade Shoe Repair.

NYPD Statements:

Subject Officer: PO JUAN PEREZ

- *PO Perez is a § 87(2)(b)-old Hispanic male, who is 5'8" tall, weighs 195 pounds, and has brown hair and brown eyes.*
- *On May 17, 2012, PO Perez worked from 3:00 p.m. to 11:35 p.m. and was dressed in uniform. PO Perez worked with PO Christian Rich and was assigned to conditions auto. PO Perez was assigned to an unmarked van.*

Memo Book

PO Perez's memo book (encl. 15) reflects that on May 17, 2012, at 5:45 p.m. § 87(2)(b) was placed under arrest at Leroy Street and Bleecker Street, in Manhattan, for § 87(2)(b). § 87(2)(b) did slap PO Perez open handed in the face, causing swelling to PO Perez's ear and lacerations to his right hand while resisting arrest. The prisoner was treated at the precinct and removed to § 87(2)(b). PO Perez was treated at the precinct and removed to § 87(2)(b).

CCRB Statement

PO Perez was interviewed at the CCRB on April 18, 2013 (encl. 16). On May 17, 2012, at approximately 5:48 p.m., PO Perez and PO Rich parked their vehicle on Bleecker Street by Leroy Street, in Manhattan, partially in the bike lane and on the sidewalk, with the intention of addressing conditions in the vicinity of Bleecker Street and Christie Street, in Manhattan, as part of their conditions assignment. PO Perez was the driver and PO Rich was sitting in the passenger seat. PO Perez heard a commotion and yelling and exited the vehicle and approached the passenger side of the vehicle. PO Rich was pinned against the van, and a male, subsequently identified as § 87(2)(b) was straddling his bike and pushing it into PO Rich, striking him more than once. § 87(2)(b) held on to the front handlebars of the bike while rocking it forward, and pushing it into PO Rich's leg and was yelling at PO Rich that the officers should not be in the bike lane. PO Perez asked § 87(2)(b) to stop striking PO Rich and step on the sidewalk for safety reasons, as the traffic was congested. PO Perez gave § 87(2)(b) this order at least five times but § 87(2)(b) refused and responded by using his bike to strike PO Perez's right leg. Eventually PO Perez grabbed § 87(2)(b) by the arm and brought § 87(2)(b) over to the sidewalk. § 87(2)(b) was off his bike at this time and PO Rich was standing to PO Perez's left and was holding § 87(2)(b) bike. PO Perez told § 87(2)(b) that he cannot strike officers with his bike and he was going to hurt someone. In response, § 87(2)(b) slapped PO Perez in PO Perez's right cheek with an open hand. In response to being slapped, PO Perez used a closed fist and punched § 87(2)(b) one time in the face and § 87(2)(b) glasses fell to the ground. PO Perez did not recall which side of § 87(2)(b) face he struck. PO Perez said that he used the tactics and training he learned in the police academy to stop the physical threat posed by § 87(2)(b) and to stop § 87(2)(b) aggressiveness and effect his arrest. PO Perez did not notice any observable injuries on § 87(2)(b) and § 87(2)(b) did not complain of any injuries. PO

Perez informed § 87(2)(b) that he was under arrest and ordered him to turn around. The officers attempted to handcuff § 87(2)(b) but § 87(2)(b) continued to resist and clawed into PO Perez's arm. § 87(2)(b) backed himself into a wall. The officers did not push § 87(2)(b) against the wall, § 87(2)(b) backed himself into the wall on his own. § 87(2)(b) did not bang his elbow against a vehicle or the wall. § 87(2)(b) did not make contact with the ground during the incident. After § 87(2)(b) backed himself against a wall, PO Perez and PO Rich were able to get § 87(2)(b) in handcuffs without further incident. Other than the physical force and contact that PO Perez admitted to during his interview, PO Perez denied that the officers used any other physical force against § 87(2)(b).

During the incident a crowd of people gathered around the officers. PO Perez could not approximate how many people were. Neither PO Rich nor PO Perez called anyone in the crowd a "bitch," or made any similar statement.

Due to the circumstances and the crowd that was gathering, the officers wanted to remove § 87(2)(b) to the stationhouse as soon as possible to eliminate additional threats. PO Perez called in a request for additional units to handle the crowd and additional units responded to the scene. PO Perez could not identify any of the responding officers and did not think they witnessed PO Perez and PO Rich's interaction with § 87(2)(b). The responding officers dealt with crowd control while PO Perez and PO Rich walked § 87(2)(b) to the 6th Precinct stationhouse. PO Perez did not have any conversation with § 87(2)(b) during the walk to the stationhouse. § 87(2)(b) did not complain of arthritis or any injuries.

At the 6th Precinct stationhouse, PO Perez observed that § 87(2)(b) sustained swelling to his face. PO Perez did not observe any injuries on § 87(2)(b) prior to being at the stationhouse. PO Perez did not know what treatment § 87(2)(b) received because PO Perez was dealing with his own injuries and treatment while § 87(2)(b) was at the hospital. PO Rich went with § 87(2)(b) to the hospital.

As a result of this incident, PO Perez sustained swelling to his right cheek and right ear as a result of § 87(2)(b) slapping him and sustained lacerations to his right arm as a result of § 87(2)(b) digging and grinding his nails into PO Perez's arm during the arrest. PO Perez went to § 87(2)(b), where medical personnel checked PO Perez's ear because his ear was ringing. Medical personnel checked out PO Perez's cheek, which they said would be fine, even though it was swollen, and cleaned out the lacerations on PO Perez's arm.

Mr. Shahin Mashhadian, the attorney representing PO Perez during his CCRB interview, said that he was representing PO Perez in a discrimination lawsuit, which partially involves the incident with § 87(2)(b). PO Perez has not given any statements as part of a 50H hearing or any other official statements. PO Perez did not give a statement to IAB in regard to this incident.

Witness Officer: PO CHRISTIAN RICH

- PO Rich was a § 87(2)(b)-old white male at the time of incident, who is 5'10" tall, weighs 160 pounds, and has brown hair and blue eyes.
- On May 17, 2012, PO Rich worked from 3:00 p.m. to 11:35 p.m. and was dressed in uniform. He was assigned to conditions and worked with PO Juan Perez. They were assigned to an unmarked green van, vehicle number § 87(2)(b).

Memo Book

PO Rich's memo book (encl. 17) reflected that on May 17, 2012, at 5:45 p.m., § 87(2)(b) was placed under arrest at the corner of Leroy Street and Bleecker Street for § 87(2)(b). PO Rich observed § 87(2)(b) hit PO Perez in the face. At 5:50 p.m. PO Rich arrived at the 6th Precinct stationhouse. § 87(2)(b) stated, "I snapped and I slapped him." At 7:45 p.m. PO Rich took § 87(2)(b) to § 87(2)(b). At

12:25 a.m., § 87(2)(b) was released from the hospital and subsequently fingerprinted. § 87(2)(b) was released with a Desk Appearance Ticket.

Complaint and Desk Appearance/Arrest Report

The compliant and Desk Appearance/arrest report (encl. 18) (encl. 27) reflect that while the officers were on routine patrol, § 87(2)(b) was in an apparent highly agitated state and did approach an officer and slap him in the face causing alarm, annoyance, pain and swelling. While trying to effect an arrest, § 87(2)(b) continued to grab and claw at the officer causing contusions and abrasions to his right hand. § 87(2)(b) was charged with § 87(2)(a) 160.50

CCRB Statement

PO Rich was interviewed by the CCRB on March 15, 2013 (encl. 19). On May 17, 2012, at approximately 5:45 p.m., PO Perez and PO Rich parked their van, half on the sidewalk and half on the street due to limited parking space in the vicinity of Leroy Street and Bleecker Street, in Manhattan. PO Rich corroborated PO Perez's description of the scene and statements regarding § 87(2)(b) behavior. PO Rich added that § 87(2)(b) screamed and yelled at the officers and 10 to 15 people began to gather around the officers. Unlike PO Perez, PO Rich did not mention anything about § 87(2)(b) striking him or PO Perez with his bicycle. PO Rich corroborated that PO Perez ordered § 87(2)(b) to move onto the sidewalk because he was blocking traffic and that § 87(2)(b) refused to comply and continued yelling at the officers. PO Rich could not specify what § 87(2)(b) was saying. PO Rich and PO Perez attempted to force § 87(2)(b) onto the sidewalk by wheeling his bike toward the curb. When the officers did this, § 87(2)(b) slapped PO Perez in the face. PO Perez responded by punching § 87(2)(b) in the face. PO Perez and PO Rich attempted to place § 87(2)(b) in handcuffs but § 87(2)(b) resisted. PO Perez and PO Rich pushed § 87(2)(b) up against a wall to restrain him and get him in handcuffs. PO Rich, PO Perez, and § 87(2)(b) all made contact with the wall during the struggle, but PO Rich did not recall specifically what part of § 87(2)(b) body made contact. PO Rich did not recall if § 87(2)(b) elbow made contact with the wall. PO Rich denied that § 87(2)(b) was ever taken to the ground during the arrest. PO Rich denied that § 87(2)(b) was ever pinned to the side of his vehicle.

PO Rich denied interacting with the crowd at any point during the incident. He did not recall himself or PO Perez calling anyone in the crowd a “bitch” or saying, “I can’t fucking stand these people,” in reference to the crowd. PO Rich denied that he or PO Perez used profanity at any point during the incident.

PO Rich approximated that the interaction with § 87(2)(b) lasted three to four minutes before he and PO Perez escorted him on foot to the 6th Precinct Stationhouse, which is around the corner from the incident location.

PO Rich acknowledged that § 87(2)(b) suffered a cut below his eye from this incident, and acknowledged that the cut probably resulted from § 87(2)(b) glasses when PO Perez punched him. PO Rich was not aware that § 87(2)(b) sustained a fractured elbow as a result of the incident. PO Rich stated that § 87(2)(b) complained of elbow pain during the incident, but he did not know when § 87(2)(b) sustained his injury.

Officers Not Interviewed

Because additional officers who responded to the scene would not have been a witness to PO Perez's use of force against § 87(2)(b) and their statements would not have affected the disposition of the allegation pleaded, additional officer interviews were not conducted.

Medical Records

- The Ambulance Call Report (encl. 21) for § 87(2)(b) reflects that on May 17, 2012, at 6:08 p.m., § 87(2)(b) was seen by medical personnel at the stationhouse. He had soft tissue injury to his face, consisting of a small laceration to his face and bruising around his eye. § 87(2)(b) was treated with Tylenol.
- § 87(2)(b) medical records from § 87(2)(b) on § 87(2)(b), reflect that at approximately § 87(2)(b), § 87(2)(b) arrived at the hospital by ambulance.
 - A review of § 87(2)(b) systems reflected that upon examination, § 87(2)(b) was positive for joint pain and head injury. He was negative for swelling. § 87(2)(b) had right elbow tenderness and pain upon movement. An examination of § 87(2)(b) head and face reflected that § 87(2)(b) had a left orbital hematoma and bruising with an overlying abrasion.
 - A radiology report of § 87(2)(b) right elbow reflects that § 87(2)(b) had an displaced fracture and there was no dislocation.
 - A CT scan of § 87(2)(b) facial bones reflected that there was no fracture. There was moderate left periorbital soft tissue swelling and sinus disease.
 - § 87(2)(b) was diagnosed with a closed fracture radius, head, and facial pain. § 87(2)(b) was prescribed Percocet.

NYPD Documents

Communication Records

SPRINT report § 87(2)(b) and § 87(2)(b) (encl. 22) reflects that on May 17, 2012, at 5:47 p.m. and 5:48 p.m. a request for additional units was dispatched and officers were dispatched to an assault at 321 Bleeker Street, in Manhattan, after two female callers reported that officers were assaulting an § 87(2)(b)-old male at the location. A connection was made to IAB and a sergeant was directed to respond to the location. At 6:01 p.m. 6ST2 communicated that there were two under from location. EMS was on scene at 6:05 p.m. 6C resumed patrol at 6:13 p.m.

Other Evidence

On March 5, 2013, Sgt. Flynn from IAB stated that there was no video footage recovered for this incident (encl. 31G). The call-out reports have been included in the case file (encl. 34). § 87(2)(b) statement and photographs of § 87(2)(b) injuries have been summarized in the civilian statement section.

Arrest for Incident and Disposition

- § 87(2)(b) criminal charges in connection with this incident are no longer on file and the arrest report has been sealed (encl. 27).

Status of Civil Proceedings

- § 87(2)(b) filed a personal injury claim form with the City of New York on August 8, 2012, claiming that PO Perez hit him in the face and is seeking \$500,000 as redress (encl. 28).
- On May 28, 2013, § 87(2)(b) the attorney representing § 87(2)(b) in the injury claim report, informed the investigation that the City of New York has not responded to their request for a 50H hearing and that § 87(2)(b)

Civilians Criminal History

- As of March 20, 2013, Office of Court Administration records reveal no criminal convictions for § 87(2)(b) (encl. 29).

Civilians CCRB History

- This is the first CCRB complaint involving § 87(2)(b) or § 87(2)(b) (encl. 3).

Subject Officer CCRB History

- PO Perez and PO Rich have been members of the service for six years and three years, respectively, and there are no substantiated CCRB allegations against them (encl. 2).

Conclusion

Identification of Subject Officer

PO Perez admitted to punching § 87(2)(b). Therefore, Allegation A is pleaded against PO Perez. Because § 87(2)(b) alleged that both PO Perez and PO Rich pushed him against a wall while effecting his arrest, Allegations B and C are being pleaded against PO Perez and PO Rich, respectively.

Investigative Findings and Recommendations

Allegations Not Pled

§ 87(2)(g)

Allegation A – Force: PO Juan Perez used physical force against § 87(2)(b)

§ 87(2)(b) admitted to slapping PO Perez in the face, and therefore, the investigation determined that at the time that PO Perez interacted with § 87(2)(b) was physically violent and a threat to the officers' safety. It is undisputed that PO Perez punched § 87(2)(b) in response to § 87(2)(b) slapping in the face and it is also undisputed that § 87(2)(b) refused to comply with the officers multiple instructions to get on the sidewalk.

Patrol Guide Section 203-11 (encl. 1) permits officers to use the amount of force necessary to overcome resistance to effect an arrest. § 87(2)(g)

Allegation B – Force: PO Juan Perez used physical force against § 87(2)(b)

Allegation C – Force: PO Christian Rich used physical force against § 87(2)(b)

§ 87(2)(b) said that he believed that he fractured his elbow as a result of PO Perez and PO Rich pushing him against the glass storefront while they effected his arrest. It is undisputed that § 87(2)(b) resisted arrest and the force that § 87(2)(b) described was minimal and he did not allege that any force was used against him subsequent to being handcuffed. § 87(2)(g)

Team: 6

:

Investigator:	_____	Lauren Goldapper	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date